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Attorneys for Plaintiff GreenCycle Paint, Inc., a  
California corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

GREENCYCLE PAINT, INC., a California  
corporation,

Plaintiff,

vs.

PAINTCARE, INC., a Delaware corporation,  
CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC., a Massachusetts  
corporation,  
STERICYCLE ENVIRONMENTAL  
SOLUTIONS, INC., a Delaware corporation,  
and DOES 1-10,

Defendants.

Case No. 3:15-cv-04059-MEJ

**STIPULATION AND ~~PROPOSED~~  
ORDER RESETTING HEARING DATE  
AND BRIEFING SCHEDULE FOR  
DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

**Civil Local Rules 6-1(b), 6-2 and 7-12**

Action Filed: August 4, 2015  
Removed: September 4, 2015  
FAC Filed: May 6, 2016  
Trial Date: None Set

**STIPULATION**

WHEREAS, on June 22, 2016, Defendants PaintCare, Inc., Clean Harbors Environmental Services, Inc., and Stericycle Environmental Solutions, Inc. (collectively, the “Defendants”) each filed separate motions to dismiss Plaintiff Greencycle Paint, Inc.’s (the “Plaintiff”) First Amended Complaint (“Defendants’ Motions to Dismiss”).

WHEREAS, Plaintiff’s opposition to Defendants’ Motions to Dismiss is due on July 6, 2016, Defendants’ replies to Plaintiff’s opposition to Defendants’ Motions to Dismiss are due on July 13, 2016, and a hearing for Defendants’ Motions to Dismiss is set for August 11, 2016.

WHEREAS, Plaintiff’s counsel has requested from Defendants, and Defendants have agreed to reset the hearing date to September 29, 2016 and to extend Plaintiff’s opposition deadline and Defendants’ reply deadline to August 10, 2016 and August 24, 2016, respectively, for the following reasons:

(1) In addition to other matters, Plaintiff’s counsel has an appeal to be filed with Cal/OSHA on behalf of United States Cold Storage, Inc. by July 1, 2016;

(2) Plaintiff’s counsel has a settlement agreement to prepare and finalize on behalf of United States Cold Storage, Inc. in a separate matter;

(3) Plaintiff’s counsel has a scheduled vacation from July 1, 2016 to July 11, 2016;

(4) Plaintiff’s counsel has a motion for summary judgment to be prepared and filed the week after counsel returns from vacation for the *Andrews v. Cavagnero, et al.* matter in the Superior Court of California, County of Marin (Case No. CV 1500790);

(5) Plaintiff’s counsel must oppose three separate motions to dismiss, and Defendant PaintCare, Inc.’s motion to dismiss contains over six hundred pages for review, including detailed legislative history; and

(6) The issue as to the safe harbor provision is one of first impression.

WHEREAS, the parties have previously stipulated to the following time modifications in this case:

(1) To extend Defendant Stericycle Environmental Solutions, Inc.’s time to respond to Plaintiff’s Complaint to September 25, 2015;

(2) To extend Defendant PaintCare, Inc.'s time to respond to Plaintiff's Complaint to September 28, 2015;

(3) To extend Defendant Clean Harbors Environmental Services, Inc.'s time to respond to Plaintiff's Complaint to September 28, 2015;

(4) To continue the hearing on Defendants' motions to dismiss Plaintiff's Complaint to December 17, 2015 and to continue all dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines by at least four weeks to accommodate a December 17, 2015 hearing date; and

(5) To extend Defendants' time to respond to Plaintiff's First Amendment Complaint to June 22, 2016.

WHEREAS, the parties have not requested or stipulated to any prior extensions as to Defendants' Motions to Dismiss.

WHEREAS, no trial date or other pre-trial deadlines have been scheduled, so other than the hearing date on the motions to dismiss, Plaintiff's requested modification would not affect the schedule for this case.

THEREFORE, THE PARTIES STIPULATE AND AGREE that the hearing for Defendants' Motions to Dismiss be held on September 29, 2016 and that Plaintiff's opposition and Defendants' replies be submitted on or before August 10, 2016 and August 24, 2016, respectively.

DATED: June 30, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

By:



Greggory C. Brandt  
Attorneys for Plaintiff GreenCycle Paint, Inc., a  
California corporation

1 DATED: June 30, 2016

VENABLE LLP

2  
3 By: /s/ Thomas E. Wallerstein  
4 Thomas E. Wallerstein  
Attorneys for Defendant PaintCare, Inc.

5 DATED: June 30, 2016

BURNHAM BROWN

6  
7 By: /s/ Thomas M. Downey  
8 Thomas M. Downey  
9 Attorneys for Defendant Clean Harbors  
Environmental Services, Inc.

10 DATED: June 30, 2016

PARSONS, BEHLE & LATIMER


11  
12 By: /s/ Raymond J. Etcheverry  
13 Raymond J. Etcheverry  
14 Attorneys for Defendant Stericycle Environmental  
15 Solutions, Inc.

16 **FILER'S ATTESTATION**

17 Pursuant to Local Rule 5-1(i)(3), I hereby certify that I have obtained the concurrence in  
18 the filing of this document from all signatories for whom a signature is indicated by a  
19 "conformed" signature (/s/) within this electronically filed document and I have on file records to  
20 support this concurrence for subsequent production to the Court if so ordered or for inspection  
21 upon request.

22  
23 DATED: June 30, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

24  
25 By:   
26 Gregory C. Brandt  
27 Attorneys for Plaintiff GreenCycle Paint, Inc., a  
California corporation  
28

Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, California 94607-4036

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the hearing for Defendants' Motion to Dismiss Plaintiff's First Amended Complaint is reset for September 29, 2016 and that Plaintiff's opposition and Defendants' replies be submitted on or before August 10, 2016 and August 24, 2016, respectively.

**IT IS SO ORDERED.**

DATED: July 1, 2016



Maria-Elena James  
United States District Court Magistrate Judge